IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.17101 of 2006

Between:

Smt.Pulimi Mamatha.

..... PETITIONER

AND

The Municipal Corporation of Hyderabad,
Tankbund, Hyderabad,
Rep. by its Commissioner.

.....RESPONDENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.17101 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring notice No.455/UC/CSC/TP7/2004, dated 09-08-2006 issued by the respondent as illegal, arbitrary and violative of the principles of natural

justice and set aside the same and pass such other suitable orders.

It is stated that the petitioner's husband is the Managing Partner of M/s.High Light Homes. He entered into a development agreement with the owners of the premises on
23-12-2003. During the construction of the building, the officials of the respondent-Corporation threatened the petitioner's husband for demolition of the building for minor deviation in construction of the building. Except no other option, he filed O.S.No.673 of 2004 against the respondent Corporation. *Status quo* orders were issued in I.A.No.1329 of 2004 on 04-10-2004. It is also stated that during pendency of O.S.No.673 of 2004, the petitioner's husband expired on
03-06-2006 leaving the petitioner and her minor son behind him. Thereafter, I.A.No.1329 of 2004 was dismissed. Aggrieved by the same, the petitioner filed CMA No.67 of 2006 before the I Additional Chief Judge, City Civil Court, Secunderabad, and obtained order of *status quo* against the respondent-Corporation pending C.M.A.No.67 of 2006. It is also stated that the respondent-Corporation issued the present impugned notice dated 09-08-2006 under

Section 636 of the Hyderabad Municipal Corporation Act directing the petitioner to remove the deviations against the sanctioned plan without following the due process of law. It is stated that though some vague reference was made relating to the issuance of prior notice, no particulars had been furnished. It is also stated that the same had been specifically denied in the affidavit filed in support of the writ petition.

In the light of the facts and circumstances, it would be just and appropriate to dispose of the Writ Petition with the following directions:

The impugned order to be treated as show cause notice. The petitioner is given opportunity to file objections within two weeks and the respondent-corporation is directed to consider the objections, which may be raised by the petitioner, and take an appropriate decision in this regard. Till then, the respondent-Corporation shall not resort to any demolition activity relating to the subject matter of the Writ Petition.

Accordingly, the Writ Petition is disposed of. No costs.

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17th August, 2006

LUR